

IN THE SENATE OF THE UNITED STATES.

JANUARY 20, 1858.—Ordered to be printed.

Mr. KENNEDY made the following

REPORT.

[To accompany Bill S. 71.]

*The Committee on Private Land Claims, to whom was referred the "memorial of Joseph Ménard, praying to be allowed to relocate certain warrants for land granted to the late Marquis de Lafayette, of which he is the assignee," have had the same under consideration, and adopt and concur in the following report heretofore made by this committee:*

These warrants were issued under the act of Congress of 1803 by the Secretary of War, and located under the act approved March 27, 1804.

The location of warrants number three, four, and five, was found to be upon lands owned by private claimants, their title to which was subsequently confirmed. These locations, therefore, were cancelled by the General Land Office.

Subsequent to such location, the interest of the Marquis de Lafayette to the warrants in question was assigned to third parties. There being no authority to relocate the said warrants under the act of 1804, after their first location had been cancelled, the legal holders of said warrants made application to Congress, who, by an act approved February 26, 1845, authorized the relocation of said warrants—three, four, and five—upon any of the unappropriated public lands within the State of Louisiana. Under this latter act of Congress the said warrants were relocated, and, upon application for a patent, the locations under two of said warrants—to wit: numbers four and five—were cancelled by the Commissioner of the General Land Office, on the ground that the lands located were covered by *live-oak timber*, and was therefore not subject to location.

The petitioner, yielding to the decision of the Commissioner, now asks that, since the locations under these warrants have been twice set aside and cancelled, he may be permitted to relocate the said warrants, numbered four and five, upon any of the public lands of the United States.

The act of 1845 would be ample enough to authorize a relocation within the State of Louisiana; but owing to the fact that nearly all of the lands in said State have either been disposed of by the United States, or are covered by private claims, the right, therefore, to relocate under said act would be of no great value to the claimant.

The committee are of opinion that justice to the petitioner requires the passage of an amendatory act, giving him the right to relocate said warrants upon any of the public lands subject to sale at private entry; they therefore report the accompanying bill, and recommend its passage.